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- 13 A. I really can't recall. But it's been
14 hundreds and hundreds.
15 Q. Always been satisfied with their work?
16 A. Yes, sir.
17 Q. Do they help you interpret the data
18 that they generate?
19 A. They will -- they will offer an
20 opinion, yes, sir. I believe they
21 will -- will do that.
22 Q. Can you tell me what ratio is expressed
23 by water activity?

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- 1 A. I don't understand what you mean by
2 that question.
3 Q. Well, water activity is a ratio of two
4 things. Do you know what that ratio of
5 those two things are?
6 A. Right. The relative humidity to the
7 surrounding material and the absorption
8 rate of the material.
9 Q. You sure about that?
10 A. Well, it's an equilibrium process. So
11 if the material -- I mean, I understand
12 the process. I don't know if I'm
13 defining it or giving you the
14 parameters that you're looking for.
15 Q. You're not comfortable with doing the
16 math.
17 A. No, sir.

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- 18 Q. And I think we talked about this in the
19 last trial. You're not holding
20 yourself out to be a, quote/unquote,
21 mold expert?
22 A. No, sir, not as you define mold expert.
23 Q. And I believe you testified previously

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- 1 that you don't think you could be
2 qualified in federal court as a mold
3 expert?
4 A. I agree. That's more of a mycologist,
5 someone like that. My training is in
6 collecting the samples and interpreting
7 the data.
8 Q. And what coursework have you taken to
9 interpret data?
10 A. The same -- same ones that -- that we
11 spoke of earlier. Specifically through
12 the Medical University of South
13 Carolina. And I guess that would be
14 the coursework as well as maybe some --
15 you know, it's -- it's highlighted in
16 some building science applications as
17 well.
18 Q. Be specific, if you can. Tell the
19 Court what coursework, how many days
20 you took to create an expertise in data
21 interpretation.
22 A. The actual coursework, not the
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23 experience, work experience?

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1 Q. Yes, sir.

2 A. The actual coursework, the -- the
3 course at the American Industrial
4 Hygienist Association in San Francisco,
5 that was a very large focus of that.
6 The two courses at --

7 Q. How many days?

8 A. That was a week-long course, I believe,
9 four, four and a half days.

10 Q. Some of that course had to do with
11 mold?

12 A. Yes, sir. Very large portion of it.
13 The building science -- I mean, the --
14 I apologize -- Medical University of
15 South Carolina, that was the crux of
16 both of those courses.

17 Q. And what was the length of the other
18 course at South Carolina?

19 A. I believe they were -- I believe they
20 were four-day courses. If I remember
21 correctly -- I mean, it's been some
22 time ago. But it seems like they were
23 four-day courses and we tested on a

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1 half a day, out by noon to catch
2 flights and what have you, if I recall
3 correctly.
4 Q. Fair to say that the entire number of
5 days of coursework you've taken for
6 data interpretation is fifteen days or
7 less?
8 A. That I can recall at this point in
9 time, yes, sir.
10 Q. I mean, you wouldn't have any reason
11 not to recall it? I've got your resumé
12 here if you need to look at it. Is
13 there any other coursework?
14 A. Well, as I said in some of the other
15 coursework, that there were sections
16 that were highlighted in that. But
17 from actual coursework, yes, I would
18 say that's pretty close -- a pretty
19 close statement.
20 Q. Can you tell me what material
21 degradation means?
22 A. Material degradation, decomposition of
23 the material that takes it from its

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1 original intended state.
2 Q. Did you see any evidence of any
3 material degradation in the Murphy
4 home?
5 A. In my opinion, yes, sir.

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6 Q. What part of your report discusses
7 that?

8 A. Well, I think -- let's see if I took
9 some pictures. There was several areas
10 that showed some bowing or some
11 deflexions as well as several areas
12 that had the little bumps on the walls.
13 In --

14 Q. Can you --

15 A. -- my opinion, that -- those are areas
16 that I would consider to be material
17 degradation.

18 Q. Can you point me to -- I'm going to
19 call your first report Parks 1 and your
20 second report Parks 2. Can you show me
21 in Parks 1 where you have rendered an
22 opinion as to material degradation in
23 the home?

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1 A. As I understand that meaning as -- no,
2 I did not highlight a -- well, yes, the
3 one spot on page 4 where I showed some
4 mold growth in one of the wall cavities
5 through a borescope.

6 Q. Let me -- your page 4, there's a, I
7 guess a round picture of the internal
8 side of the wall; is that right?

9 A. Yes, sir.

10 Q. Is that the back side of the gyp board?

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- 11 A. Yes, sir, it is.
- 12 Q. On paper, this looks like it's about
- 13 three inches in diameter, the circle.
- 14 what is the actual size of the area
- 15 photographed here?
- 16 A. I'm not sure of the actual size. I
- 17 know that the probe that I assisted in
- 18 the design of was to shoot back toward
- 19 the gypsum at a hundred -- I believe it
- 20 was 110-degree angle, which --
- 21 Q. How far above the gypsum is this when
- 22 you're taking the picture?
- 23 A. I'm sorry?

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- 1 Q. How far -- how much space between the
- 2 gypsum and the camera lens?
- 3 A. I don't -- I don't recall on this
- 4 particular one but typically within a
- 5 couple of inches.
- 6 Q. I was going to say, you only got, what,
- 7 four --
- 8 A. Three --
- 9 Q. -- three and half inches.
- 10 A. Three and a half inches in the cavity
- 11 so within a couple of inches of the
- 12 wall.
- 13 Q. And what is the diameter of the lens to
- 14 the camera?
- 15 A. I'm not sure exactly at this time.

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- 16 Q. I mean, is it --
17 A. I don't recall.
18 Q. -- the size of your thumb?
19 A. It's 8 millimeters.
20 Q. So it's --
21 A. About the --
22 Q. -- pretty small.
23 A. -- size of an ink pen.

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- 1 Q. About the size of an ink pen. So if I
2 understand this, you've got an ink pen
3 an inch or two away from the wall. So
4 would it be fair to say that the actual
5 picture here, although it looks like
6 it's three inches, was maybe only the
7 size of an ink pen?
8 A. That would be considerably larger than
9 that.
10 Q. Well, is this a blowup?
11 A. It's -- I don't believe that to be
12 actual size. It's probably -- like I
13 said, I don't recall exactly how far in
14 the wall cavity I was.
15 Q. Well, give me your best judgment. If
16 this is, you know, three inches in
17 diameter, what is the actual size of
18 the area photographed?
19 A. I would believe it to be pretty close
20 or just slightly smaller. I don't

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21 think it would be any larger than that.
22 Q. well, it would have to be smaller;
23 right?

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1 A. Yes, I would believe it would be
2 slightly smaller.
3 Q. And this is a blowup because this is a
4 digital photograph; right?
5 A. Correct.
6 Q. And you blew this up. Do you know what
7 level of magnification you blew it up
8 from?
9 A. No, sir, I don't.
10 Q. Can you produce to your lawyer the
11 actual photos in their original state
12 before the blowup?
13 A. I'm sure I can. I believe I still --
14 would still have it. It would give --
15 it's going to be a pixel size.
16 Q. Yeah.
17 A. Yeah.
18 Q. Can you do that for me?
19 A. Yeah.
20 MR. GOULD: what page is
21 that?
22 MR. SIMPSON: Page 4.
23 Q. What I'm trying to see if you agree

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- 1 with me or not is, this looks like a
2 three-inch slide of mold, but the
3 actual area photographed is some
4 measure smaller than that.
- 5 A. I would agree. I would believe it to
6 be -- well, you know, I really can't
7 say. I don't know for sure.
- 8 Q. It could be as small as a -- the end of
9 a pencil, though; right?
- 10 A. Again, I don't recall how far in the
11 wall I was at that time. But --
- 12 Q. Well, does your camera have a
13 magnification to the lens?
- 14 A. No.
- 15 Q. But you would agree you blew this up?
- 16 A. Only so far as I -- you know, when it
17 downloads to the page, I don't know if
18 I had to pull it down to make it fit in
19 that spot or blow it up. It does not
20 depict an actual size. It simply
21 depicts that there was some what
22 appeared to be some mold growth within
23 that wall.

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- 1 Q. Now, when you were out there the first
2 time, that's when this picture was
3 actually taken; right?
- 4 A. That is correct.

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- 5 Q. And when you were out there, you
6 actually had some kind of monitor where
7 you could see what the borescope was
8 seeing; right?
- 9 A. That is correct.
- 10 Q. What is the size of that monitor?
- 11 A. I can't recall the specific size, but I
12 believe it's . . .
- 13 Q. I mean, is this like a television?
- 14 A. Twelve by twelve, ten by ten, twelve by
15 twelve, something of that sort.
- 16 Q. It's like a little flat screen or what
17 is it in --
- 18 A. No. It's -- it's -- I can't recall the
19 specific name of it. But it's just a
20 little monitor box that actually goes
21 with a duct camera that I have. But it
22 has a video in/video out, so it gives
23 me the capability to see on the monitor

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- 1 without having to look through the
2 little eyepiece. And that's what
3 allows me to take the pictures.
- 4 Q. And does the monitor display what is
5 being photographed at actual size or
6 exaggerated size or small size? Do you
7 know?
- 8 A. I wouldn't know. I have no idea.
- 9 Q. Well, for example, this one here, if

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- 10 you had this picture, which is
11 Figure 5, on your monitor screen, you
12 had that on your --
13 A. It would -- it would encompass the
14 entire screen. It doesn't even show
15 the circle, the outline of the circle.
16 It encompasses the entire screen.
17 Q. So it would take what is in this circle
18 and enlarge it to a twelve-inch screen?
19 A. I don't know how it's enlarging or --
20 all I know is I can plug it into my
21 monitor and I can see through my
22 camera.
23 Q. Well, here's my point. This is the

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- 1 full range of vision the camera shows;
2 right?
3 A. At that -- where I have it placed at
4 that point in time, yes, sir.
5 Q. And if you've got it hooked up to the
6 monitor, this circle, which here is
7 three inches, is expanded out to
8 twelve.
9 A. Right, to the full size of the monitor.
10 Q. So it's fair to say that as you're
11 looking at the monitor, the field of
12 vision is exaggerated by several levels
13 of magnification?
14 A. Yes, sir. I would -- I think that

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- 15 would be an accurate depiction.
- 16 Q. And you showed that to the homeowners?
- 17 A. I don't remember if the homeowners were
- 18 there or not at that time. I know that
- 19 the --
- 20 Q. Ms. Murphy testified she was there.
- 21 A. She may have been. I don't remember.
- 22 I don't recall.
- 23 Q. Do you remember whether this picture

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- 1 alarmed her or caused her any distress
- 2 or upset?
- 3 A. I don't remember having any specific
- 4 conversations with her.
- 5 Q. Did you tell her you were a specialist?
- 6 A. Well, I think I just stated I don't
- 7 remember having any specific
- 8 conversations with her.
- 9 Q. If she testified that you claimed to be
- 10 a specialist in mold, would you
- 11 disagree with that? would you say you
- 12 didn't tell her that?
- 13 A. I can't testify to -- I mean, what -- I
- 14 don't recall ever telling her that I
- 15 was a specialist in --
- 16 Q. Do you tell people that generally?
- 17 A. No. I don't know that I've referred to
- 18 myself as a specialist.
- 19 Q. Do you know what she did immediately

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20 after seeing these blowups of
21 photographs?

22 A. No, sir, I'm not aware.

23 Q. Did you tell her the home was

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1 dangerous?

2 A. No, sir.

3 Q. Did you take any indoor sampling --

4 A. No, sir --

5 Q. -- for mold?

6 A. -- I did not.

7 Q. None?

8 A. I've -- to my knowledge, in any of the
9 cases for Beasley-Allen, I don't recall
10 ever taking an indoor air sample.

11 Q. So you have no judgment sitting here
12 today about what the quality of the
13 indoor air in that home is?

14 A. No. That -- that was never part of my
15 assignment in any of these homes to
16 make a determination on the indoor air
17 quality of these homes.

18 Q. Would it surprise you if I told you
19 that Ms. Murphy moved out of her home
20 for two months immediately following
21 your inspection because she was scared
22 of the mold?

23 A. I -- would it surprise me?

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- 1 Q. Yes.
- 2 A. I don't know that I have an opinion. I
- 3 mean, I don't -- I know that -- you
- 4 know, I don't know where she got her
- 5 information from, but I know that it
- 6 wasn't from -- from me. Now, there
- 7 was -- she -- she may have been there
- 8 at the time that some attorneys were
- 9 present and I was showing this to them.
- 10 And there --
- 11 Q. There were lawyers there on your first
- 12 visit?
- 13 A. Second visit.
- 14 Q. Well, the first visit is when you took
- 15 these pictures.
- 16 A. No, sir, it's not. That was my second
- 17 visit.
- 18 Q. Let's kind of get the visits down.
- 19 What did you do the first visit?
- 20 A. First visit was simply a walk-through.
- 21 I don't think that I can recall, I
- 22 don't think, any pictures or notes were
- 23 taken. That was a walk-through visit

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- 1 with Mr. Bonney.
- 2 Q. How long were you at the house?

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3 A. I don't recall, but I don't think it
4 was very long. I would say probably
5 less than -- less than an hour.
6 Q. Just a visual inspection kind of thing?
7 A. I would characterize it as a visual
8 inspection.
9 Q. You didn't do any kind of testing at
10 that point?
11 A. No, sir. Did not testing, took no
12 paragraphs that I can recall. That was
13 a walk-through visual visit.
14 Q. The second visit was where you took
15 these borescopic images?
16 A. Yes, sir. That's where I did all of my
17 testing.
18 Q. Did all the air pressure testing, duct
19 leakage, all of that?
20 A. Yes, sir, I did all of that at that
21 time.
22 Q. The third test or third visit, rather,
23 was three or four days after I had been

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1 out there?
2 A. I don't know when you were out there.
3 Q. You did some invasive testing.
4 A. That -- yes, sir. That was . . .
5 Q. Just about a month ago.
6 A. October 26th.
7 Q. Yeah. It's November 27th today.

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8 A. Yeah. Yeah, a month ago.

9 Q. And you removed the vinyl siding, cut
10 holes in the blackboard, and did some
11 contact samples for mold?

12 A. No, sir. I took bulk samples. I
13 literally cut about a four-inch by
14 four-inch square out of the paper and
15 peeled it off, and that's what was sent
16 to the lab for analysis.

17 MR. GOULD: Lance, I don't
18 mean to fuss at you but,
19 my goodness. When you
20 guys do destructive
21 testing, we need to know
22 about it, because we
23 don't have any

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1 opportunity to do
2 simultaneous testing and
3 all of that.

4 Q. Where are those samples at this point?

5 A. Those are sent to lab. Those are not
6 returned after being analyzed.

7 Q. So the -- you cut paper off the back of
8 the gypsum board.

9 A. Yes, sir, I did.

10 Q. You sent it to the lab.

11 A. Yes, sir, I did.

12 Q. The lab tested it.

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- 13 A. Correct.
- 14 Q. Rendered results.
- 15 A. Yes, sir.
- 16 Q. And then destroyed the sample.
- 17 A. Yes, sir. I assume they disposed of
- 18 the samples after that.
- 19 Q. All right. So if we wanted to look at
- 20 the samples ourselves, that would be
- 21 impossible now because that evidence is
- 22 gone.
- 23 A. Yes, sir. But you could go cut a

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- 1 sample off right next to where I did.
- 2 Q. Would that be valid?
- 3 A. Sure.
- 4 Q. So if we look a section right next to
- 5 yours and we found different mycology,
- 6 you would accept that?
- 7 A. Well, I think within their -- there
- 8 should be some level of similarity,
- 9 yes, sir.
- 10 Q. Well, what if there isn't? what if we
- 11 take a patch --
- 12 A. I would expect it to be.
- 13 Q. So if it isn't, what conclusion would
- 14 you draw from that?
- 15 A. I would have to see the protocol on
- 16 exactly how you tested it to see if you
- 17 tested it the same way. But --

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18 Q. what should we do? How should we do
19 it, in your judgment, if we want to
20 duplicate what you did?
21 A. Well, in my judgment, you -- you were
22 already there and you cut holes in the
23 side and you went to same places I did,

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1 if you wanted to disprove that there
2 was no mold there, it should have been
3 sampled -- the most accurate way is
4 bulk sampling as I did, to cut a square
5 off an area that appeared to have
6 that -- something growing on it.
7 That's how you tell if it is or is not
8 in fact mold growing there. So I would
9 assume that if you went to the same
10 locations that I did and cut out an
11 adjoining piece, that the results
12 should be somewhat similar.
13 Q. With regard to the pieces you cut, what
14 size were they?
15 A. The sampling size that the lab requests
16 is no larger than four inch by four
17 inch.
18 Q. So you just take a carpenter's knife,
19 cut it --
20 A. Right.
21 Q. -- just peel it off with your hand?
22 A. It's kind of hard to see, but what I

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did is, I actually -- I highlighted --

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- 1 well, I have a color copy here. What I
2 did is, I highlighted the area that was
3 to be removed. I cut it out, peeled
4 the paper off, placed it in a plastic
5 bag. At the end of it, all the
6 sampling was accumulated, put into a
7 little cold-storage type --
- 8 Q. Let's take them one at a time. For
9 example, Figure 62. There's a -- looks
10 like a -- some kind of a marker that
11 you drew a square there.
- 12 A. Correct. I took a Sharpie marker,
13 outlined an area that I was going to
14 pull off.
- 15 Q. And what size area is that, roughly?
- 16 A. It -- it's less than four inches by
17 four inches, or right at. That's the
18 general sizes they like to have.
- 19 Q. How do you actually physically remove
20 it?
- 21 A. Take a box cutter-type knife, score the
22 edge of it, and then the paper will
23 peel off.

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- 1 Q. And when you peel the paper off, what

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- 2 do you do with that piece of paper?
- 3 A. It goes directly into a Ziploc bag.
- 4 Q. And do you separately mark those Ziploc
- 5 bags?
- 6 A. Yes, sir. Each one of them is -- it's
- 7 actually -- I apologize. It's stapled
- 8 to an index card which is labeled
- 9 Sample 6 and placed into that Ziploc
- 10 bag so that that sample is stapled,
- 11 fastened, to a, like I side, an
- 12 index -- a five-by-seven index card,
- 13 labeled as Sample 6, put in the bag,
- 14 and then the bag is also labeled as
- 15 Sample 6.
- 16 Q. Where is your chain of custody for
- 17 these?
- 18 A. It's in the back of the report.
- 19 Q. This is the lab's chain of custody.
- 20 Where is yours?
- 21 A. That -- that is my chain of custody
- 22 from where I did it and then sent it to
- 23 the lab.

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- 1 Q. I don't see anything in here about your
- 2 handling it. Can you show me anywhere
- 3 in this report where it indicates your
- 4 handling and chain of custody? Can you
- 5 show me what page?
- 6 A. I consider that to be the same chain of
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7 custody. That's the chain of custody
8 that I filled out when I did the
9 sampling and was sent in with the
10 samples to the lab.
11 Q. Which page?
12 A. Page 11 of 12, toward the back.
13 Q. Okay. Did you fill this piece of paper
14 out?
15 A. Yes, I did.
16 Q. Which parts?
17 A. All the way down. The only thing that
18 the lab filled out or filled in is up
19 at the top, there's an RV4 circled,
20 what looks to be an RV4 circled. And
21 then down at the very bottom where it
22 says received by lab and their
23 signature of when they received it,

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1 time and dated and log-in number.
2 Everything else on that page was filled
3 out by myself.
4 Q. Now, you would agree with me at the
5 time you did these bulk samplings, you
6 had provided no evidence of bulk
7 samplings to the defense indicating any
8 kind of mold; correct?
9 A. No. In my original report, I stated --
10 in my original report on page 7, I
11 stated that the initial air sampling
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